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TRANSCRIPT OF RECORD.

SUPREME COURT OF THE UNITED STATES.

OCTOBER TERM, 1896.

No. 158.

ALFRED CLARKE, PLAINTIFF IN ERROR,

vs.

J. J. McDADE.

IN ERROR TO THE SUPERIOR COURT OF THE CITY AND COUNTY OF SAN FRANCISCO, STATE OF CALIFORNIA.

FILED AUGUST 15, 1894.

(15,667.)

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Respectfully submitted.

E. D. KENNA,
J. W. TERRY,

Attorneys for Plaintiff in Error.

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JUDD & DETWEILER, PRINTERS, WASHINGTON, D. C., OCTOBER 1, 1896.

1 In the Superior Court of the City and County of San Francisco.

ALFRED CLARKE
v.
J. J. McDADE.

Now comes Alfred Clarke and alleges that he is imprisoned by J. J. McDade at the county jail, San Francisco, in violation of the Constitution and laws of the U. S.

That on Oct. 19th, 1894, petitioner was imprisoned by J. J. McDade under an order made by Judge James E. Murphy.

That on Oct. 20th, 1893, this petitioner applied to Hon. W. W. Morrow, U. S. district judge, for a writ of *habeas corpus* on the ground that he was imprisoned in violation of the Constitution and laws of the U. S.

That by virtue of §§ 763–766 of the R. S. U. S. the force of Judge Murphy's order is suspended pending the final decision in said *habeas corpus* matter in the U. S. courts; that J. J. McDade has no valid authority to imprison petitioner, and that petitioner is entitled to be restored to his liberty.

That the present imprisonment of petitioner is contrary to the Constitution and laws of the U. S.

ALFRED CLARKE.

Subscribed and sworn to before me this 24th day of Oct., 1893.

A. A. SANDERSON, *Judge*

Let the writ issue, returnable before me on Wednesday, Oct. 25th, 1893, at 9.30 a. m.

A. A. SANDERSON, *Judge.*

Filed Oct. 24th, 1893.

M. C. HALEY, *Clerk,*
By THOS. F. EGAN,
Deputy Clerk.

2 EXHIBIT B.

Superior Court, City and County of San Francisco, State of California, Department No. —.

The People of the State of California to J. J. McDade, Greeting:

We command you that you have the body of Alfred Clarke, by you imprisoned and detained, as it is said, together with the time and cause of such imprisonment and detention, by whatsoever name said Clarke shall be called or charged, before Hon. A. A. Sanderson, judge of our said superior court, at court-room of dep't 7, in the city and county of San Francisco, State of California, on the 25th day of Oct., A. D. 1893, at 9.30 o'clock in the forenoon of that day, to do

Witness the Honorable J. C. B. Hebbard, presiding judge of the superior court of the city and county of San Francisco, this 12th day of July, A. D. 1894, and of the Independence of the United States the one hundred and nineteenth.

[SEAL.]

J. C. B. HEBBARD,
Presiding Judge.

Service upon me of the above citation this 13th day of July, 1894, at San Francisco, is hereby admitted.

J. J. McDADE, *Sheriff*,
Per SIG. L. SIMON, *Deputy.*

Endorsed: Filed July 13th, 1894. M. C. Haley, clerk, by Thos. F. Egan, deputy clerk.

8 *The Answer of the Judges of the Superior Court of the City and County of San Francisco.*

The record and all proceedings of the plaint whereof mention is within made, with all things touching the same, contained in a certain schedule, as follows:

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Writ of *habeas corpus*	"	2
Return by sheriff to writ of *habeas corpus*	"	2
Court order: Writ discharged; prisoner remanded	"	3
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Citation and evidence of service	"	7
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we certify under seal of our said court to the Supreme Court of the United States, within mentioned, at the day and place within, as within we are commanded, this 13th day of July, A. D. 1894.

[Seal Superior Court, City & County of San Francisco, Cal.]

M. C. HALEY, *Clerk*,
By THOS. F. EAGAN,
Deputy Clerk.

A. C. SEARLE,
Attorney for Plaintiff.
ALFRED CLARKE,
P'ff, p. p., 213 *Larkin St., San F'co, Cal.*

[Endorsed:] In the Supreme Court of the U. S. Transcript on writ of error. Alfred Clarke, p'ff in error, *v.* J. J. McDade, def't in error. In error to the superior court of the city and county of San Francisco.

Endorsed on cover: Case No. 15,667. California, San Francisco city & county superior court. Term No., 158. Alfred Clarke, plaintiff in error, *vs.* J. J. McDade. Filed August 15th, 1894.